

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JESSE ANDERSON,

Plaintiff,

v.

CONNIE BISBEE,

Defendant.

3:15-cv-00465-MMD-WGC

**ORDER**

**I. DISCUSSION**

On October 16, 2015, Plaintiff filed a motion to amend his complaint and attached his proposed amended complaint. (ECF No. 5, 5-1).<sup>1</sup> The Court grants Plaintiff's motion to file an amended complaint. However, the Court notes that if Plaintiff chooses to file an amended complaint he is advised that an amended complaint supersedes the original complaint and, thus, the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original"); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims in a subsequent amended complaint to preserve them for appeal). Plaintiff's amended complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit.

The proposed amended complaint appears to be incomplete. The proposed amended complaint is 4 pages long and is missing the pages identifying Plaintiff's counts. (See ECF

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<sup>1</sup> Refers to court's docket number.

No. 5-1). In contrast, Plaintiff's original complaint is 21 pages long and contains 12 counts. (See ECF No. 1-1). The Court will not piecemeal pleadings together to form Plaintiff's amended complaint. As noted above, Plaintiff's amended complaint must be complete in itself. The Court grants Plaintiff 30 days from the date of this order to file a second amended complaint which contains all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. Plaintiff must file the second amended complaint on this Court's approved prisoner civil rights form and it must be entitled "Second Amended Complaint." If Plaintiff chooses not to file a second amended complaint the Court will only screen Plaintiff's original complaint (ECF No. 1-1).

## II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the motion to file an amended complaint (ECF No. 5) is granted.

IT IS FURTHER ORDERED that if Plaintiff chooses to file a second amended complaint curing the deficiencies of his proposed amended complaint, as outlined in this order, Plaintiff shall file the second amended complaint within 30 days from the date of entry of this order.

IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, and a copy of his original complaint (ECF No. 1-1) and his proposed amended complaint (ECF No. 5-1). If Plaintiff chooses to file a second amended complaint, he must use the approved form and he shall write the words "Second Amended" above the words "Civil Rights Complaint" in the caption.

IT IS FURTHER ORDERED that if Plaintiff chooses not to file a second amended complaint curing the stated deficiencies of the proposed amended complaint, this Court shall screen the original complaint (ECF No. 1-1) only.

DATED: This 22nd day of October, 2015.

  
UNITED STATES MAGISTRATE JUDGE